

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$118,450.00 IN UNITED STATES
CURRENCY,

Defendant.

Case No. 3:19-CV-00529-NJR

ORDER

ROSENSTENGEL, Chief Judge:

Pending before the Court is a Motion to Strike Claim and Answer by the Government (Doc. 28). For the reasons set forth below, the Court grants the Motion.

On May 22, 2019, the United States filed a forfeiture complaint in this action (Doc. 1), and Claimants Rosa and Rolando Gomez filed an answer and claim on April 20, 2020 (Docs. 22-24). On June 3, 2020, per motion from the Government, the Court noted that Rolando Gomez had failed to sign the claim and directed him to submit a verified claim by June 17, 2020, or his claim would be stricken (Doc. 25). On September 19, 2020, the Government filed a motion to compel answers to discovery (Doc. 26), noting that it had served interrogatories on Claimant Rosa Gomez July 23 and that she had not yet responded. The Court ordered Rosa Gomez to respond by October 20, 2020 (Doc. 27).

On November 5, 2020, the Government filed the instant motion moving to strike the claim of Rosa Gomez (Doc. 23) and the answer of Rosa and Rolando Gomez (Doc. 22), noting their ongoing failure to comply with the orders of this Court. Pursuant to Rule

41(b) of the Federal Rules of Civil Procedure, a Court may dismiss an action for failure to prosecute or comply with a court order. A dismissal under this rule is as an adjudication on the merits.

Accordingly, the Court **STRIKES** the claim of Rosa Gomez (Doc. 23) and the answer of Rosa and Rolando Gomez (Doc. 22) and enters default against Claimants Rosa and Rolando Gomez.

IT IS SO ORDERED.

DATED: December 1, 2020

s/ Nancy J. Rosenstengel
NANCY J. ROSENSTENGEL
Chief U.S. District Judge